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TAGS: [ASEC](#) [NO](#) [PREL](#) [PTER](#)

SUBJECT: ANALYSIS OF FM STOERE'S PUBLIC COMMENTS DEFENDING
NORWAY'S DECISION NOT TO TAKE GTMO DETAINEES

REF: A. A: OSLO 551 (EAC MEETING)

[1](#)B. B: HEG/SILBERSTEIN (OSLO-EUR/NB) EMAILS 9/25/09

[1](#)C. C: OSLO 403 (BHATTI RELEASED FROM PRISON) AND
PREVIOUS

Classified By: Charge d'affaires, a.i. James T. Heg for reasons 1.4 (b)
, (c) and (d)

[1](#)1. (SBU) This is an ACTION MESSAGE - please see para 7. In comments to the media published October 19, Foreign Minister Jonas Gahr Stoere explained and defended Norway's decision not to offer to take Guantanamo detainees at this time, a decision which came to public attention in Norway two days earlier in an article in Dagbladet newspaper that included an interview with Special Envoy for Guantanamo Closure Daniel Fried. An MFA spokesman was quoted in that article as saying, "We have not received any requests from the Americans to accept prisoners from Guantanamo. Fried has not been in Norway, nor has anyone from his office, regarding Guantanamo."

[1](#)2. (SBU) Stoere's decision not to offer to take detainees, and his defense of that decision, were widely debated and criticized in the Norwegian media throughout the past week. His main arguments -- the fact that Norway's asylum system was already under pressure and that Norway was already dealing with demanding national security cases like that of Mullah Krekar -- were refuted as "ludicrous." How could 1-3 additional inhabitants further strain the asylum system, one editorial asked; how could people who are cleared for release and don't necessarily present a threat be put in the same national security category as Krekar? Stoere responded to the criticism October 24 with an op-ed in Aftenposten newspaper under the headline "Guantanamo is the U.S.'s responsibility" (transcribed in full below). He emphasized that none of the U.S. states have indicated a willingness to accept prisoners from the special group of some 60 individuals in question, and added, "we should not underestimate the challenges settlement of such individuals will entail. One cannot assume that these prisoners will constitute a threat to national security. But neither can one preclude it, with the consequences that would involve regarding visible security measures, etc."

[1](#)3. (S/NF) One factor behind Norway's position, and to which Stoere's language about "already dealing with national security cases" and "visible security measures" might indirectly refer, is that Norway does not have the physical or technical resources to provide surveillance even for the

needs already identified by the Protective Security Service, or PST. In RAO chief's October 20 meeting with the outgoing chief of Norway's PST, Jorn Holme, (a meeting which was unrelated to Krekar or GMTO issues) Holme himself raised the point that Norway lacks the physical and technical surveillance resources it needs to do what needs to be done to secure Norway. These needs include ongoing counter-terrorist investigations, such as surveillance of Mullah Krekar, but more importantly, the al-Qaida related Neptune case described in REF A and Oslo RAO reporting in the last six to eight weeks. They also include counter-intelligence operations such as tracking the activities of Russians or others across the length and breadth of Norway. Holme told RAO that all of Norway's limited surveillance resources from both the Counter Intelligence and Counter Terrorism sides have been pulled back from the rest of the country to Oslo to work the Neptune case. Some 60 personnel, working shifts, are all Norway has, as far as RAO is aware.

Background Note on Mullah Krekar Case

¶4. (U) Mullah Krekar, the former leader of Ansar al Islam, was apprehended in transit by the Dutch in September 2002 and then deported to Norway, where he has had refugee status since the early 1990s. The USG worked with both the Dutch and the Norwegians to develop a criminal case against Krekar, but was unable to assemble sufficient useable evidence. While Krekar has never been charged with any crimes in the U.S., Ansar al Islam is designated under two U.S. counterterrorism authorities, and is included on the UN consolidated sanctions

list because of its links to Al Qaida. Norway has restricted Krekar's movements and has frozen his funding. He has been ordered deported from Norway, but to date, Norway says it has been unable to receive sufficient human rights assurances from the Iraqis to proceed with deportation. Krekar was the subject of an episode of the NBC series "The Wanted," broadcast in the U.S. on July 20, 2009. On July 19, the MFA issued a press release addressing the GON's handling of the case. Post understood from media the the Norwegian government might try to advance discussions with Iraq on this issue on the margins of UNGA, but we have heard no sign that such discussions took place. End Background Note.

Comment

¶5. (S/NF) Norway's lack of bench depth with surveillance resources has been an issue for the USG before. When an Oslo court released Arfan Bhatti from prison in June 2009 pending a retrial on the attempted murder portion of his conviction (Ref C), PST could not provide nearly the amount of surveillance as would be expected for a person who had planned attacks on the U.S. and Israeli embassies and had carried out a shooting at the Oslo synagogue. That re-trial is now set to begin around November 4, and in the meantime Bhatti has been living freely at home with an obligation to report to the police once a day. Another problem with Norway's resources and structure for dealing with counter terrorism cases and issues in general has been the inadequate legal framework provided by Norway's anti-terrorism law. The law requires a suspect to proceed to a late stage -- or practically complete -- a terrorist act before a case against him can be successfully prosecuted. The law additionally requires proof of intent to commit an act of terrorism, which is harder to prove than the mere intention to commit an act (such as possession of explosives and plans to explode a bomb). These are larger problems which are not new, and are issues on which we need to be ready to engage the Norwegians in the months ahead after the arrival of our new Ambassador this week.

¶6. (C/NF) Comment Continued: Norway has significant financial resources at its disposal, as evidenced by the assets held in its Global Pension Fund. The GON's decision over many years not to devote what we would consider sufficient budgetary

resources to expanding its surveillance and counter terrorism capabilities is therefore just that - a political decision. That decision, to some degree, can be traced to the GON's mentality that "Norway is good, has few enemies, and a terrorist act cannot happen here." It is also driven by the generous welfare-state-focused priorities which are largely accepted across the political spectrum here. The same calculus affects Norway's spending on defense. Outgoing Chief of Defense Sverre Diesen complained publicly in recent weeks that Norway does not spend enough to meet its most basic defense needs, let alone enough to match its global aspirations. Such budget decisions stem in part also from a self-imposed fiscal conservatism in which the government directs itself not to spend more from the Global Pension Fund in a given year than the Fund is projected to earn in that year, which amounts to about four percent of the entire Fund on average.

Action Request

17. (C) ACTION REQUEST: Post requests the Department provide guidance and suggested talking points on the GTMO and Krekar cases which our incoming Ambassador can use with Minister of Foreign Affairs Stoere, Minister of Justice Storberget, or the new PST chief in his introductory calls on those officials in the days after he presents his credentials to the King on November 5.

Embassy Translation of FM Stoere's op-ed "GUANTANAMO IS THE U.S.'s RESPONSIBILITY"

18. (U) FM Stoere's op-ed appeared in Aftenposten Saturday, October 24. The gist of it was covered in Embassy Oslo's

press summary email to the Department Monday, October 26.
Begin text:

"Norway has made it clear that we are not ready to accept prisoners from the Guantanamo prison camp. The editorial in Aftenposten October 19 about Norway's position is in need of some nuance.

"Norway, like other European nations, has been in contact with the U.S. on this issue during the past months. We have not so far received a specific request regarding the acceptance of prisoners from GTMO. But when a U.S. official in Dagbladet October 17 urges Norway to accept prisoners, it becomes necessary to clarify Norway's position.

"Our position is based on a collective assessment of several factors. By closing the GTMO base, Obama is straightening up an untenable situation created by the Bush administration. It is important to establish that it is a U.S. responsibility to administer the people who are imprisoned in the camp.

"Most of them will stand trial in the U.S. But a group of about 60 individuals cannot, for various reasons, be taken to court in the U.S. or be returned to their home countries: they cannot be returned because of the treatment one fears they may be subjected to, and they cannot be brought to trial in the U.S. because the evidence against them is deemed insufficient, and also in some cases, because torture has been used in interrogations. It is individuals from this group that the U.S. has urged European nations to accept.

"We have noted that none of the U.S. states have indicated a willingness to accept prisoners from this group. It is a challenging message to other nations, that the U.S. itself is unwilling to settle anyone from this group on its own soil.

"Furthermore, we should not underestimate the challenges settlement of such individuals will entail. One cannot assume that these prisoners will constitute a threat to national security. But neither can one preclude it, with the consequences that would involve regarding visible security

measures, etc.

"The Government must ensure that there is respect and acceptance for the entire range of immigration issues, where asylum, residency on humanitarian grounds, and labor migration are by public opinion perceived as coherent parts of a whole. In a situation where there is considerable pressure on the immigration issue, this is an additional reason why Norway currently has not given a green light to accept prisoners from Guantanamo. This is moreover a position that has broad support from the parties in the Storting (parliament)."

End text of Embassy translation.

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